

Notice of Allowability

Application No.

10/581,467

Examiner

Alvin J. Grant

Applicant(s)

CENDAK, DRAGO

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed 7/24/07.
2. ☒ The allowed claim(s) is/are 1-9.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. John Linver on 8/3/07.

The application has been amended as follows:

Claims 1-9 have been cancelled and replaced as follows:

10. (New) A device for sharpening the teeth of a chain of a chain saw blade, the device being portable and usable in the field, and where the chain is not to be taken off the chain saw blade while being sharpened; wherein a spatial curved carrier (12) is fixed at one end, by means of a fastening means (11), to an upper end of one of two arms (2, 3) originating in a body (1), so that said carrier (12) can be optionally shifted on a circular arch along said fastening means (11), said body is provided over the entire length thereof with a groove (5) which penetrates the body (1) in an area between said arms (2, 3) and is connected to a gap (4), a free end of the carrier (12) is connected by a mounting (13) to a swivel arm (14) which lies essentially in a plane being predominantly parallel to the plane of the carrier (12), an actuator (15) with a grinding wheel (16) is associated with the free end of the swivel arm (14), wherein a left half (25) of the body (1) is formed with a click bulge (27) on the outside thereof, which is, on a side facing away from a chain blade (6), said click bulge intended for cooperation with a click spring

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guard (28), an adapter (29) is associated with an inside of the left half (25) of the body (1), said adapter reaching a chain (7) area with an inwardly bent flange (30) provided at a free end thereof, wherein a flexible adapter (31) is associated with the inside of the right half (26) of the body (1), said flexible adapter (31) reaching the chain (7) area with an inwardly bent flange (32) provided at the free end thereof; wherein the left half (25) comprises a distance bolt (33) with which the adapter (29) is moved towards or away from the chain blade, and that a first pair of distance bolts (34) extend through the right half (26) and through the flexible adapter (31), the right half (26) of the body (1) is formed with a recess (35) in an upper part thereof and in an area between the arms (2,3) of the body (1), a pressure member (37) which can be swung about an adjusting screw (36) rests in said recess, an adjusting nut (36') mates with said adjusting screw (36) and determines a sharpening depth in a horizontal direction, wherein the pressure member (37) comprises a pair of distance bolts (38) arranged substantially perpendicular to the chain blade (6), when the sharpening device is ready to operate, a second pair of distance bolts (38) pressed against the flexible adapter (31) with ends thereof; and wherein the click spring guard (28) is located on the pressure member (37) and comprising a pair of shoulders (39, 40) arranged in a way that one of the shoulders holds a tooth (8) to be sharpened when the click spring guard (28) cooperates with the click bulge (27).

11. (New) A device according to claim 10, wherein the respective flanges (30,32) of the adapter and flexible adapters (29, 31) engage a pair of pins (10) of each chain (7) link.

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12. (New) A device according to claim 10, wherein the adjusting nut (36') arranged on said adjusting screw (36) is provided for setting the sharpening depth.

13. (New) A device according to claim 10, wherein the first pair of distance bolts (34) are tightened when mounting the device onto the saw blade so that the first pair of distant bolts press against the saw blade with the ends thereof and stabilize the sharpening device on the saw blade.

14. (New) A device according to claim 10, wherein the mounting (13) of the spatially curved carrier (12) and the swivel arm (14) are formed by a pair of bearings being held at a constant mutual distance by means of a spacer which is indirectly in contact with an inner ring of each bearing whereas an outer ring of each bearing is held on one side with the head of a bolt carrying said bearings and on the other side with a nut.

15. (New) A device according to claim 10, wherein a mounting of a rotor shaft of the actuator (15) is formed in a manner that a first rotor bearing (22) facing the grinding wheel (16) is fixed with an outer ring in a stator of the actuator (15) whereas an inner ring is held, on one hand, with a sleeve (23) extending to the rotor of the actuator (15), and with a shoulder (24) for receiving the grinding wheel (16), on the other hand.

16. (New) A device according to claim 15, wherein said first bearing (22) is preferably a roller bearing.

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17. (New) A device according to claim 10, wherein a slant of the spatially curved carrier (12) with regard to an imaginary plane of the teeth (8) in the sharpening area comprises an angle of about 45°.

18. (New) A device according to claim 10, wherein the actuator (15) is either an electric, a pneumatic or a hydraulic motor.

In the Specification:

The section headings have been inserted as follows:

- Page 1, between lines 1 and 2, "Field of the Invention" has been inserted.
- Page 1, between lines 4 and 5, "Background and Discussion of Prior Art" has been inserted.
- Page 1, between lines 19 and 20, "Summary of the Invention" has been inserted.
- Page 3, between lines 11 and 12, "Brief Description of the Drawings" has been inserted.
- Page 3, between lines 20 and 21, "Description of the Invention" has been inserted.

The following is an examiner's statement of reasons for allowance: The art of record considered as a whole alone or in combination neither anticipates nor renders obvious a device for sharpening the teeth of chainsaw wherein the device comprises a pressure member comprising a pair of *distance bolts* arranged substantially perpendicular to the

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chain blade; and the left half of the body is formed with a click bulge on the outside thereof, which is on a side facing away from the chain blade; and an adapter and a flexible adapter with inwardly bent flanges, together in combination with the rest of the limitations of the claim.

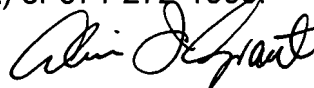
Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alvin J. Grant whose telephone number is (571) 272-4484. The examiner can normally be reached on Mon-Fri 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph J. Hail can be reached on (571) 272-4485. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Alvin J Grant
Patent Examiner
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ajg